

1 **SOUTH FLORIDA WATER MANAGEMENT DISTRICT**

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3 **RESOLUTION NO. 2011 _____**

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5 **A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA**
6 **WATER MANAGEMENT DISTRICT TO AUTHORIZE DISTRICT STAFF TO FILE SUIT,**
7 **PURSUE ANY APPROPRIATE DAMAGES AND REMEDIES, AND TAKE ALL**
8 **APPROPRIATE ACTION, INCLUDING THE AUTHORITY TO SETTLE THE MATTER,**
9 **SUBJECT TO THE APPROVAL OF THE EXECUTIVE DIRECTOR, AGAINST HENRY C.**
10 **YATES, CIRCLE Y GROVES, LLC, AND ANY OTHER APPROPRIATE OR**
11 **NECESSARY PARTIES, IN OSCEOLA COUNTY CIRCUIT COURT OR OTHER**
12 **APPROPRIATE FORUM, REGARDING THE PROPERTY LOCATED IN SECTION 20,**
13 **TOWNSHIP 26, RANGE 31, SAINT CLOUD, OSCEOLA COUNTY, FLORIDA.**

14
15 **WHEREAS,** Sections 373.083(1) and 373.129, Florida Statutes, authorizes the
16 South Florida Water Management District ("District") to bring suit;

17 **WHEREAS,** Henry C. Yates and/or Circle Y Groves, LLC applied for a Consumptive
18 Use Permit to withdraw water from one groundwater withdrawals facility on his property for
19 agricultural irrigation purposes;

20 **WHEREAS,** the application remained outstanding until Yates was sent a Notice of
21 Violation for failure to answer the District's "Respond or Enforce" letter dated December
22 11, 2009.

23 **WHEREAS,** on March 18, 2010, the Governing Board executed a consent
24 agreement wherein Yates agreed to obtain a water use permit within 180 days and pay a
25 civil penalty.

26 **WHEREAS,** to date, Henry C. Yates and/or Circle Y Groves, LLC have failed to
27 obtain a water use permit or to pay the civil penalty, thereby breaching the Consent
28 Agreement.

29 **WHEREAS,** on or about District staff conducted an inspection and observed surface
30 water withdrawal equipment in three lakes located on the above-described property; **now**
31 **therefore**

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**BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA
WATER MANAGEMENT DISTRICT:**

Section 1 The Governing Board of the South Florida Water Management District hereby authorizes District Staff to file suit, pursue any appropriate damages or remedies, and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against Henry C. Yates, Circle Y Groves, LLC, and any other appropriate or necessary parties, in the Osceola County Circuit Court or the appropriate forum, regarding the property located in Section 20, Township 26, Range 31, Saint Cloud, Osceola County, Florida.

Section 2 This resolution shall take effect immediately upon adoption.

PASSED and **ADOPTED** on this _____ day of June, 2011.

**SOUTH FLORIDA WATER
MANAGEMENT DISTRICT**
By its Governing Board

Chairperson

Legal Form Approved:

Jennifer Bokankowitz, Esq.

ATTEST:

District Clerk/Assistant Secretary